IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

W.P.M.P. NO. 28457 OF 2007
AND
WRIT PETITION NO. 21734 OF 2007

Dated : October 11, 2007

Between:

E.Shankar Reddy

Petitioner

AND

The Deputy Inspector General of Police,
Hyderabad Range, Lakdi-ka-pul,
Hyderabad and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

W.P.M.P. NO. 28457 OF 2007
AND
WRIT PETITION NO. 21734 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

The above Miscellaneous Petition is filed seeking leave to question the order dated 24.8.2007 made in O.A. No. 5045 of 2007 and Batch, inasmuch as the petitioner was not made a party to the above O.As. and his interests are being affected by the impugned order.

Having heard the learned counsel for the parties and having perused the impugned order, we deem it appropriate to grant leave to the petitioner to question the same. Accordingly, the present writ petition is filed having sought leave of the court, seeking a writ of Mandamus to declare the order dated 24.08.2007 made in O.A. No. 5045 of 2007 as contrary to law and consequently set aside the same and direct the official respondents to effect promotions to the posts of Deputy Superintendent of Police.

The unofficial respondents filed the above O.As. before the Tribunal seeking a direction to the official respondents to prepare and publish a final seniority list of Inspectors of Police (Civil) State wide following the Special Rules issued in Rule 5(f) of the A.P. Police Subordinate Service Rules as to the acquisition of eligibility of six years of Service as Sub-Inspector of Police for promotion to Inspectors (Civil) category for all appointees of Sub-Inspector of Police (Civil) category on an uniform basis and effect regular promotions to the category of Deputy Superintendent of Police (Civil) category as per law by considering their cases also for such promotion as per law.

It is the case of the petitioner that initially he was

appointed as Reserve Sub-Inspector of Police on 15.2.1985, in category 3 of Class I of A.P. Police Subordinate Service Rules and these Rules provide for promotion by transfer. The petitioner was accordingly appointed by transfer as Sub-Inspector of Police, Category I in July, 1992 and his services were also regularised in the said category. As per Rule 15-C, the seniority of the Reserve Sub-Inspector converted to Sub-Inspector were to be reckoned from the date of their original appointment and, as such, the petitioner is entitled to count his seniority in Sub-Inspector cadre from the date of his initial appointment as Reserve Sub-Inspector. It is the case of the petitioner that by virtue of the GO Ms. No. 188, the petitioner was placed below May, 1985 direct recruit Sub-Inspectors and above the Sub-Inspectors of 1989. This gradition was questioned by the Reserve Sub-Inspectors before the Tribunal in OA No. 1811 of 1999 and Batch and the same was dismissed, aggrieved thereby, WP No. 2120 of 2000 and Batch came to be filed, which was allowed by this court by order dated 15.6. 2001. By virtue of the orders passed in the said Writ Petition, the petitioner and others are entitled to the seniority over 1985 direct recruits Sub-Inspector of Police. The Special Leave Petition filed before the Apex Court challenging the order passed by this court is pending, but no stay was granted. The petitioner was promoted as Inspector of Police in June, 1999. While so, a provisional seniority list of Inspector of Police throughout the State was circulated seeking objections and the applicants in the above O.As. without filing objections or even preferring appeal therefrom, filed the above O.As. assailing the seniority list and the Tribunal while admitting the O.As.

directed that no promotions to the category of the Deputy Superintendent of Police shall be made, referring to the orders passed by this Court in WP No. 13940, 14491 and 14578 of 2007. It is averred that since there is a provisional seniority list, the Tribunal ought to have directed the official respondents to make temporary promotions instead of granting stay at the behest of a microscopic minority.

As stated earlier, the petitioner herein was not made a party to the above O.As.

Though several contentions were sought to be raised in support of averments made in the writ petition, the fact remains that the provisional seniority list of Inspectors itself is in dispute before the Tribunal in a Batch of O.As. Therefore, if any finding is recorded in this writ petition, it would amount to preempting the Tribunal delving on the contentious issues raised before it. Therefore, without adverting to merits or otherwise of the contentions raised herein, we deem it appropriate to close the writ petition with a liberty to the petitioner to approach the Tribunal and file appropriate application before it seeking appropriate remedies available to him under law.

The writ petition is accordingly closed with a liberty to the petitioner to approach the A.P. Administrative Tribunal, Hyderabad, and file appropriate application before it seeking appropriate remedies available to him under law. No order as to costs.

T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

October 11, 2007
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WP NO. 21734 OF 2007

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The writ petition is accordingly closed with a liberty to the petitioner to approach the A.P. Administrative Tribunal. Hyderabad, and file appropriate application before it seeking appropriate remedies available to him under law. No order as to costs.

Hon'ble Smt Justice T.Meena Kumari

Hon'ble Sri Justice
G.Chandraiah.

October 11, 2007

MAS